

**The City of Fresno**  
**Draft Master Environmental Impact Report**  
**for the 2025 Fresno General Plan**  
**EIR No. 10130**  
**SCH Log No. 2001071097**

**Chapter II – Implementation and Use of this Master  
EIR**

Assembly Bill (AB) 1888 of the 1993 legislative session (Chapter 1130, Stats. 1993) added a new word to the California Environmental Quality Act (CEQA) lexicon: Master EIR (MEIR). A MEIR is intended to provide a detailed environmental review of plans and programs upon which the approval of subsequent development proposals can be based. A MEIR must, to the greatest extent feasible, evaluate the cumulative impacts, growth-inducing impacts, and irreversible significant effects on the environment of specific, subsequent projects. Pursuant to AB 1888, the review of subsequent projects described in the MEIR can be limited to the extent that the MEIR has already reviewed project impacts and set forth mitigation measures (Public Resources Code Section 21156). In addition, the CEQA Guidelines (California Code of Regulations [CCR], Title 14, starting at Section 15000, et seq.) now have an extensive discussion of MEIRs, beginning at Section 15175. By closely following the format and analysis presented in Chapter V, subsequent projects that are consistent with the assumptions and conclusions presented in this EIR can receive the streamlining benefits that the legislature intended for the MEIR process.

### **A. PROJECTS WITHIN THE SCOPE OF THIS MASTER EIR**

Once an MEIR has been certified, a subsequent project may avoid the need for a further EIR or Negative Declaration when the Lead Agency finds that the project was described in the MEIR as being within its scope (Section 21157.1, Guidelines Section 15177). The Lead Agency for the subsequent project must have been either the Lead Agency for the MEIR or a Responsible Agency identified in the MEIR.

When a later development proposal is received, the Lead Agency must prepare an Initial Study to analyze both of the following:

1. Whether that proposal may cause any additional significant effect on the environment not examined in the MEIR; and
2. Whether the proposal is within the scope of the MEIR.

A project will be considered “within the scope” of the MEIR if it is described within that document and will:

1. Have no additional significant effect on the environment that was not identified in the MEIR; and
2. Require no new or additional mitigation measures or alternatives (Section 21157.1[c]).

### **B. IMPORTANCE OF THE INITIAL STUDY FOR SUBSEQUENT PROJECTS**

When the Lead Agency for the proposal is able to make a written finding, based on the Initial Study, that the subsequent project is within the scope of the project covered by the MEIR (i.e., the plan or program), no further EIR or Negative Declaration is required.

Pursuant to Section 15177 of the CEQA Guidelines, “whether a subsequent project is within the scope of the MEIR is a question of fact to be determined by the lead agency.” This finding must be supported by substantial evidence in the record (i.e., the Initial Study).

**C. SUBMISSION AND APPROVAL OF SUBSEQUENT PROJECTS**

To use the MEIR concept, Section 21157(b)(2)(D) of the Public Resources Code requires the MEIR to include “A capital outlay or capital improvement program, or other scheduling or implementing device that governs the submission and approval of subsequent projects” (emphasis added). Sections 1 through 17, which follow, present implementing devices that meet the requirements of State law 21157(b)(2)(D).

**1. Sphere of Influence**

The sphere of influence is defined by Section 56076 of the Government Code as a “plan for the probable physical boundaries and service area of a local agency.” The sphere of influence is adopted by the Local Agency Formation Commission (LAFCO) in accordance with Section 56425 of the Government Code.

*Implementation Device Governing the Submission and Approval of the Sphere of Influence*

The Fresno County LAFCO uses the City’s sphere of influence as a guide for approving annexations, technically called reorganizations, to the City. Criteria for adopting or amending a Sphere of Influence are defined in Section 56525(a) of the Government Code, as follows:

- a) The present and planned land uses in the area, including agricultural and open space lands.
- b) The present and probable need for public facilities and services in the area.
- c) The present capacity of public facilities and adequacy of public services, which the agency provides or is, authorized to provide
- d) The existence of any social or economic communities of interest in the area if the [LAFCO] commission determines that they are relevant to the agency.

In 1983, the City of Fresno, the City of Clovis, and Fresno County agreed upon a Joint Planning Resolution which became part of the City’s 1984 General Plan and is incorporated into the 1991 Memorandum of Understanding referenced below. The Joint Planning Resolution states the two cities and the county will work cooperatively on issues regarding urban growth and development and encourages regional coordination in general plan updates, establishment of spheres of influence, policy formulation, provision of urban services, and urban unification.

**2. Annexation**

Annexations, known technically as reorganizations, are defined by Section 56017 of the Government Code as the “inclusion, attachment, or addition of territory to a city or district.” Annexations, like spheres of influence, are approved by the County LAFCO.

*Implementation Device Governing the Submission and Approval of an Annexation*

Section 56841 of the Government Code provides guidance for the approval of annexations, as follows:

**56841.** Factors to be considered in the review of a proposal shall include, but not limited to, all of the following:

- a) Population, population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.
- b) Need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.

“Services,” as used in this subdivision, refers to governmental services whether or not the services are services that would be provided by local agencies subject to this division, and includes the public facilities necessary to provide those services.

- c) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.
- d) The conformity of both the proposal and its anticipated effects with both the adopted commission policies and priorities set forth in Section 56377.
- e) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.
- f) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.
- g) Consistency with city or county general and specific plans.
- h) The sphere of influence of any local agency which may be applicable to the proposal being reviewed.
- i) The comments of any affected local agency.

A Memorandum of Understanding (MOU) between Fresno County, the City of Fresno, and the City Redevelopment Agency was established in February 1991. The MOU is used as a coordination guide when land is annexed and development occurs within one-half mile of the city limits or in the city’s sphere of influence. As land is annexed, property and sales taxes are allotted proportionally between the City of Fresno and Fresno County. A primary goal contained in the MOU is the coordination among jurisdictions on land use matters and policy changes that impact growth or public services in the city’s sphere of influence.

### **3. Specific Plans**

A Specific Plan may be used by the City to implement the 2025 Fresno General Plan. Specific Plans are authorized under Section 65450 of the Government Code for “the systematic implementation of the general plan for all or part of the area covered by the general plan.” The contents of a Specific Plan are stated in Section 65451.

#### *Implementation Device Governing the Submission and Approval of a Specific Plan*

Section 65453 provides the Adoption and Amendment procedure for Specific Plans. At least one hearing before the Planning Commission and City Council will be required prior to the adoption of the Specific Plan by the City Council.

No Specific Plan may be adopted or amended unless the proposed plan or amendment is consistent with the General Plan. In addition, no local public works project may be approved, no tentative map or parcel map for which a tentative map was not required may be approved, and no zoning ordinance may be adopted or amended within an area covered by a Specific Plan unless it is consistent with the adopted Specific Plan.

#### **4. Zoning**

Although City zoning is authorized by Section 65800 of the Government Code, Fresno, as a charter city, is not required to comply with this section. The City's Zoning Ordinance is Chapter 12 of the Fresno Municipal Code. The purpose of zoning is to regulate the use of buildings, structures, and land for industry, business, residences, open space, including agriculture, recreation, enjoyment of scenic beauty, or use of natural resources, and other purposes.

##### *Implementation Device Governing the Submission and Approval of Zoning*

Chapter 12 of the Fresno Municipal Code governs the submission and approval of zoning, which must be adopted by ordinance. At least one public hearing each before the Planning Commission and City Council will be required, prior to adoption of zoning by the City Council.

#### **5. Miscellaneous Land Use Permits**

The City processes a variety of permits that facilitate development. Examples include, but are not limited to, the following:

- a) Conditional Use Permits and Site Plan Review (authorized under Section 12-405 of the Fresno Municipal Code).
- b) Variances (authorized under Section 12-405 of the Fresno Municipal Code).
- c) Building Permits (authorized under Section 13-100.106.4.1 of the Fresno Municipal Code).

##### *Implementation Device Governing the Submission and Approval of Miscellaneous Land Use Permits*

The Fresno Municipal Code references cited above describe the adopted procedures governing the approval of those miscellaneous land use permits.

#### **6. Subdivisions**

Subdivisions are governed by the Subdivision Map Act (Section 66410, et seq., of the Government Code) and the City's Subdivision Regulations (Section 12-1001 and 12-1201, et seq., of the Fresno Municipal Code).

The creation of four or fewer lots is considered a minor subdivision or parcel map. Five or more lots are a major subdivision. After approval of a final map, as defined by Section 66434 of the Government Code, the only subsequent approvals required for development are building permits.

##### *Implementation Device Governing the Submission and Approval of Subdivisions*

Section 66474 of the Government Code (Subdivision Map Act) allows the City to approve subdivisions, unless any of the following findings are made:

- a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.
- b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
- c) That the site is not physically suitable for the type of development.
- d) That the site is not physically suitable for the proposed density of development.
- e) That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.
- g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

### **7. Development Agreements**

Development agreements are the means by which private developers and the City can each receive certain assurances regarding a given development proposal and its entitlements. Development agreements are authorized by Chapter 4 (commencing with Section 65864) of the Government Code.

#### *Implementation Device Governing the Submission and Approval of Development Agreements*

Section 65865.2 of the Government Code specifies the minimum contents of a development agreement, as follows:

**65865.2.** A development agreement shall specify the duration of the agreement, the permitted uses of the property, the density or intensity of use, the maximum height and size of proposed buildings, and provisions for reservation or dedication of land for public purposes. The development agreement may include conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that such conditions, terms, restrictions, and requirements for subsequent discretionary actions shall not prevent development of the land for the uses and to the density or intensity of development set forth in the agreement. The agreement may provide that construction shall be commenced within a specified time and that the project or any phase thereof be completed within a specified time.

The agreement may also include terms and conditions relating to applicant financing of necessary public facilities and subsequent reimbursement over time.

Section 65867 of the Government Code requires a public hearing by the Planning Commission and City Council prior to City Council adoption of a development agreement.

### **8. Capital Improvement Program**

The Capital Improvement Program (CIP) guides the funding and construction of all public improvements constructed by the City, including roads, wastewater treatment facilities and lines, water lines, and parks.

***Implementation Device Governing the Submission and Approval of the Capital Improvement Program***

Section 65401 of the Government Code provides for a review of public works projects for conformity with the General Plan, as follows:

**65401.** If a general plan or part thereof has been adopted, within such time as may be fixed by the legislative body, each county or city officer, department, board, or commission, and each governmental body, commission, or board, including the governing body of any special district or school district, whose jurisdiction lies wholly or partially within the county or city, whose functions include recommending, preparing plans for, or constructing, major public works, shall submit to the official agency, as designated by the respective county board of supervisors or city council, a list of the proposed public works recommended for planning, initiation, or construction during the ensuing fiscal year. The official agency receiving the list of proposed public works shall list and classify all such recommendations and shall prepare a coordinated program of proposed public works for the ensuing fiscal year. Such coordinated program shall be submitted to the county or city planning agency for review and report to said official agency as to conformity with the adopted general plan or part thereof.

**9. Redevelopment Plan**

The California Community Redevelopment Act of 1945 gives cities the authority to establish redevelopment agencies and gives these agencies the authority to attack problems of urban decay. To remedy these problems, agencies are given certain fundamental tools:

- a) The authority to buy real property, including, if necessary, the power to use eminent domain;
- b) The authority to sell real property without bidding;
- c) The authority and obligation to relocate persons who have interests in property; and
- d) The authority to impose land use and development controls pursuant to a comprehensive plan of redevelopment.

***Implementation Device Governing the Submission and Approval of a Redevelopment Plan***

The authority to establish a redevelopment agency and the authority for a redevelopment agency to function as an agency, adopt a redevelopment plan, and implement the plan is granted by the Community Redevelopment Law of the State of California (Health and Safety Code, § 33000 et seq.). Redevelopment agencies are therefore creations of the State. The Community Redevelopment Law provides that the agency and legislative body shall both conduct public hearings to approve the redevelopment plan (§ 33348, 33360). However, the more typical approach in cities and counties where the members of the legislative body are also members of the agency (as is the case in Fresno), is for the agency and legislative body to conduct a joint public hearing on the redevelopment plans (§ 33355).

**10. Parks Facilities Plans**

The City Parks and Recreation Department is charged with the responsibility of constructing and maintaining public parks and recreation facilities throughout the community. To guide development of these facilities, the City uses a variety of tools, including the Parks Design Development Reports for Neighborhood, Community, and Regional Parks, and Bicycle Master Plan, among others.

***Implementation Device Governing the Submission and Approval of Parks Facilities Plans***

Section 65401 of the Government Code provides for a review of public works projects for conformity with the General Plan, as follows:

**65401.** If a general plan or part thereof has been adopted, within such time as may be fixed by the legislative body, each county or city officer, department, board, or commission, and each governmental body, commission, or board, including the governing body of any special district or school district, whose jurisdiction lies wholly or partially within the county or city, whose functions include recommending, preparing plans for, or constructing, major public works, shall submit to the official agency, as designated by the respective county board of supervisors or city council, a list of the proposed public works recommended for planning, initiation, or construction during the ensuing fiscal year. The official agency receiving the list of proposed public works shall list and classify all such recommendations and shall prepare a coordinated program of proposed public works for the ensuing fiscal year. Such coordinated program shall be submitted to the county or city planning agency for review and report to said official agency as to conformity with the adopted general plan or part thereof.

**11. Fresno County Airport Land Use Plan**

Section 21670 of the Public Utilities Code allows for the creation of comprehensive land use plans “that will provide for the orderly growth of each public airport and the area surrounding each public airport.” In formulating a land use plan, the Airport Land Use Commission may develop height restrictions on buildings, specify use of land, and determine building standards, including soundproofing adjacent to airports, within the planning area.

***Implementation Device Governing the Submission and Approval of the Fresno County Airport Land Use Plan***

In accordance with Section 21670 et seq. of the Public Utilities Code, the Fresno County Airport Land Use Commission will review the proposed 2025 Fresno General Plan and subsequent amendments thereto and make a recommendation to the City Council.

**12. Household Hazardous Waste Element**

Section 41500 of the Public Resources Code requires the City to adopt a Household Hazardous Waste Element identifying a program for the safe collection, recycling, treatment, and disposal of hazardous waste generated by households in the City, which should be separated from the solid waste stream.

***Implementation Device Governing the Submission and Approval of the Household Hazardous Waste Element***

Section 41500(a) of the Public Resources Code requires the Household Hazardous Waste Element to be adopted by the City Council and submitted to Fresno County.

**13. Source Reduction and Recycling Element**

Section 41000 of the Public Resources Code requires the City to adopt a Source Reduction and Recycling Element to show the methods by which the City will reduce the amounts of solid waste it disposes.



***Implementation Device Governing the Submission and Approval of the Source Reduction and Recycling Element***

Section 41000(a) of the Public Resources Code requires City Council adoption of the Source Reduction and Recycling Element, with the following components, which are further defined by State law:

- a) A waste characterization component;
- b) A source reduction component;
- c) A recycling component;
- d) A composting component;
- e) A solid waste facility capacity component;
- f) An education and public information component;
- g) A funding component; and
- h) A special waste component.

**14. Wastewater Master Plan**

The City may develop a Wastewater Master Plan to construct, operate, and maintain various wastewater facilities. The purpose of the Wastewater Master Plan is to implement the wastewater policies presented in the General Plan. In developing the Wastewater Master Plan, consideration shall be given to the rehabilitation of existing facilities, their expansion for current excess demand, and their timely expansion for future demand. As the City's population increases, the City shall update the Wastewater Master Plan as appropriate to adequately address the sewage collection and treatment needs anticipated at General Plan buildout.

***Implementation Device Governing the Submission and Approval of the Wastewater Master Plan***

The Wastewater Master Plan shall be considered an "anticipated subsequent project" in the context of Section 21157 of CEQA. However, because the specific facilities covered by this Wastewater Master Plan are not determined at this time, a Focused EIR will be required prior to adoption of the Wastewater Master Plan. Preparation of a Focused EIR shall be undertaken in accordance with Section 21158 of CEQA.

**15. Water Master Plans**

The City may develop master plans such as a "conjunctive groundwater-surface-water management program" to construct, operate, and maintain various water facilities. The purpose of these master plans would be to implement the water policies presented in the General Plan.

***Implementation Device Governing the Submission and Approval of Water Master Plans***

These master plans shall be considered an "anticipated subsequent project" in the context of Section 21157 of CEQA. However, because the specific facilities covered by these master plans are not determined at this time, a Focused EIR will be required prior to adoption of these plans. Preparation of a Focused EIR shall be undertaken in accordance with Section 21158 of CEQA.

**16. Stormwater Facilities Plans**

Stormwater drainage facilities may be constructed, operated, maintained, and replaced in a way that will provide the best possible service to the public, given the financial abilities and constraints of the City and the private sector. In developing implementation plans, consideration may be given to the rehabilitation of existing facilities, the remediation of developed areas with inadequate levels of drainage service, and the timely expansion of the system for future development. The purpose of these facilities plans is to implement the policies contained in the General Plan.

***Implementation Device Governing the Submission and Approval of Stormwater Facilities Plans***

These facilities plans shall be considered an “anticipated subsequent project” in the context of Section 21157 of CEQA. However, because the specific facilities covered by these facilities are not determined at this time, a Focused EIR will be required prior to adoption of these plans. Preparation of a Focused EIR shall be undertaken in accordance with Section 21158 of CEQA.

**17. Public Facilities Financing Plans**

Several options are available to local government to finance public facilities such as streets, sewers, water systems, drainage systems, schools, parks, fire and police stations, and public utilities. Examples of these options currently used or contemplated by the City include, but are not limited to, the following: Mello-Roos Community Facilities Districts, Landscaping and Lighting Districts, Capital Facilities Fees Programs, Assessment Districts, Area of Benefit Procedures, and a Long-Range Financial Plan.

***Implementation Device Governing the Submission and Approval of Public Facilities Financing Plans***

Virtually all of these public facilities are programmed for construction by a policy document such as a master plan or the CIP. Because the environmental review for these facilities will be focused on the policy documents, the financing of these facilities will not trigger subsequent environmental review.

**D. KEEPING THE MEIR CURRENT AND ADEQUATE**

The streamlining benefits for subsequent projects can only be applied if the MEIR, serving as a base document, is kept adequate.

Section 21157.6 of the Public Resources Code provides two alternative approaches for determining that the MEIR is adequate. The City can: “(a) find that no substantial changes have occurred with respect to the circumstances under which the master environmental impact report was certified or that no new information, which was not known and could not have been known at the time that the master environmental impact report was certified as complete, has become available”; or “(b) certify a subsequent or supplemental environmental impact report which has been either incorporated into the previously certified master environmental impact report or references any deletions, additions, or any other modifications to the previously certified master environmental impact report.”

The structured format of Chapter V provides criteria specific to each environmental issue to help determine whether the analysis for that issue is still current and adequate.